

E-Filed 3/24/09

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MELINDA AMEZCUA, individually and on
behalf of a class of similarly situated individuals,

Plaintiff,

v.

CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS, a Delaware general partnership,
MOBILEFUNSTER, INC. d/b/a FUNMOBILE, a
Delaware corporation, FUNMOBILE GAMES,
INC., a Delaware corporation,

Defendants.

Case Number C 08-4390 JF (PVT)

**ORDER¹ RESCHEDULING
HEARING**

Currently pending before this Court is Plaintiff's motion to remand the instant action to the Santa Clara Superior Court. Defendants advised the Court on March 5, 2009 of a nearly identical action in which a judge in this district granted the plaintiff's motion to remand after considering substantially the same arguments as those presented here. In that action, the defendants then timely filed a petition for review of the district court's remand order pursuant to

¹ This disposition is not designated for publication in the official reports.

1 28 U.S.C. § 1453 of the Class Action Fairness Act. Based on the pendency of that petition, and
2 in the interest of judicial economy, this Court vacated the March 13, 2009 hearing on Plaintiff's
3 motion to remand and reset the motion for hearing on June 26, 2009 at 9 AM. Since the
4 issuance of its prior order, however, the Court has learned that the Ninth Circuit has denied the
5 subject petition. Accordingly, to avoid prejudicial delay to Plaintiff, the Court will reschedule
6 the hearing date on the motion for remand for Friday May 1, 2009 at AM.

7 **IT IS SO ORDERED.**

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9 DATED: 3/24/09

10
11 
12 JEREMY FOGEL
United States District Judge

1 This Order has been served electronically upon the following persons:

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8 Notice has been delivered by other means to:

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